

SECOND REGULAR SESSION

SENATE BILL NO. 850

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR ALTER.

Read 1st time January 11, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4401S.011

AN ACT

To repeal sections 50.1000, 50.1010, and 211.393, RSMo, and to enact in lieu thereof three new sections relating to juvenile court employees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 50.1000, 50.1010, and 211.393, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 50.1000,
3 50.1010, and 211.393, to read as follows:

50.1000. As used in sections 50.1000 to 50.1300, the following words and
2 terms mean:

3 (1) "Annuity", annual payments, made in equal monthly installments, to
4 a retired member from funds provided for in, or authorized by, the provisions of
5 sections 50.1000 to 50.1300;

6 (2) "Average final compensation", the monthly average of the two highest
7 years of annual compensation received by the member;

8 (3) "Board of directors" or "board", the board of directors established by
9 the provisions of sections 50.1000 to 50.1300;

10 (4) "Compensation", all salary and other compensation payable to a county
11 employee for personal services rendered as a county employee, but not including
12 travel and mileage reimbursement, and not including compensation in excess of
13 the limit imposed by 26 U.S.C. 401(a)(17);

14 (5) "County", each county in the state, except any city not within a county
15 and counties of the first classification with a charter form of government;

16 (6) "Creditable service", a member's period of employment as an employee,
17 including the member's prior service, except as provided in sections 50.1090 and
18 50.1140;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 (7) "Effective date of the establishment of the system", August 28, 1994,
20 the date the retirement system was established;

21 (8) "Employee", any county elective or appointive officer or employee who
22 is hired and fired by the county or by the circuit court located in a county of the
23 first classification without a charter form of government which is not
24 participating in LAGERS, **and any juvenile court employee, as defined by**
25 **section 211.393, RSMo, employed as such on or after July 1, 1999, and**
26 **located in any judicial circuit comprised of a single county of the first**
27 **classification without a charter form of government**, whose work and
28 responsibilities are directed and controlled by the county or by the circuit court
29 [located in a county of the first classification without a charter form of
30 government which is not participating in LAGERS], who is compensated directly
31 from county funds, and whose position requires the actual performance of duties
32 during not less than one thousand hours per year, except county prosecuting
33 attorneys covered pursuant to sections 56.800 to 56.840, RSMo, circuit clerks and
34 deputy circuit clerks covered under the Missouri state retirement system and
35 county sheriffs covered pursuant to sections 57.949 to 57.997, RSMo, in each
36 county of the state, except for any city not within a county and any county of the
37 first classification having a charter form of government;

38 (9) "LAGERS", the local government employees' retirement system
39 presently codified at sections 70.600 to 70.755, RSMo;

40 (10) "Primary Social Security amount", the old age insurance benefit
41 pursuant to Section 202 of the Social Security Act (42 U.S.C. 402) payable to a
42 member at age sixty-two. The primary Social Security amount shall be
43 determined pursuant to the Social Security Act as in effect at the time the
44 employee's normal annuity pursuant to section 50.1060 is determined. Such
45 determination shall be at the time that creditable service ends without assuming
46 any future increases in compensation, any future increases in the taxable wage
47 base, any changes in the formulas used pursuant to the Social Security Act, or
48 any future increases in the consumer price index. However, it shall be assumed
49 that the employee will continue to receive compensation at the same rate as that
50 received at the time the determination is being made, until the member reaches
51 age sixty-two. Only compensation with respect to creditable service as a county
52 employee shall be considered, and the first year of compensation as a county
53 employee shall be regressed at three percent per year with respect to years prior
54 to the period of creditable service;

55 (11) "Prior service", service of a member rendered prior to August 28,
56 1994, the effective date of the establishment of the system;

57 (12) "Required beginning date", the April first of the calendar year
58 following the later of the calendar year in which the member reaches age seventy
59 and one-half, or the calendar year in which the member retires;

60 (13) "Retirement fund" or "fund", the funds held by the county employees'
61 retirement system;

62 (14) "Retirement system" or "system", the county employees' retirement
63 system authorized by the provisions of sections 50.1000 to 50.1300;

64 (15) "Target replacement ratio":

65 (a) Eighty percent, if a member's average final compensation is thirty
66 thousand dollars or less;

67 (b) Seventy-seven percent, if a member's average final compensation is
68 forty thousand dollars or less, but greater than thirty thousand dollars;

69 (c) Seventy-two percent, if a member's average final compensation is fifty
70 thousand dollars or less, but greater than forty thousand dollars;

71 (d) Seventy percent, if a member's average final compensation is greater
72 than fifty thousand dollars.

50.1010. There is hereby authorized a "County Employees' Retirement
2 Fund" which shall be under the management of a board of directors described in
3 section 50.1030. The board of directors shall be responsible for the
4 administration and the investment of the funds of such county employees'
5 retirement fund. If insufficient funds are generated to provide the benefits
6 payable pursuant to the provisions of sections 50.1000 to 50.1200, the board shall
7 apportion the benefits according to the funds available. [Notwithstanding any
8 provision of sections 50.1000 to 50.1200 to the contrary, an individual who is in
9 a job classification that the retirement system finds not eligible for coverage
10 under the retirement system as of September 1, 2001, shall not be considered an
11 employee for purposes of coverage in the retirement system, unless adequate
12 additional funds are provided for the costs associated with such coverage.]

211.393. 1. For purposes of this section, the following words and phrases
2 mean:

3 (1) "County retirement plan", any public employees' defined benefit
4 retirement plan established by law that provides retirement benefits to county or
5 city employees, [but not to include] **including** the county employees' retirement
6 system as provided in sections 50.1000 to 50.1200, RSMo;

7 (2) "Juvenile court employee", any person who is employed by a juvenile
8 court in a position normally requiring one thousand hours or more of service per
9 year but not including any service in such a position that was financed in whole
10 or in part by a public or private grant on or after July 1, 1999;

11 (3) "Juvenile officer", any juvenile officer appointed pursuant to section
12 211.351;

13 (4) "Multicounty circuit", all other judicial circuits not included in the
14 definition of a single county circuit;

15 (5) "Single county circuit", a judicial circuit composed of a single county
16 of the first classification, including the circuit for the city of St. Louis;

17 (6) "State retirement plan", the public employees' retirement plan
18 administered by the Missouri state employees' retirement system pursuant to
19 chapter 104, RSMo.

20 2. Juvenile court employees employed in a single county circuit shall be
21 subject to the following provisions:

22 (1) The juvenile officer employed in such circuits on and prior to July 1,
23 1999, shall:

24 (a) Be state employees on that portion of their salary received from the
25 state pursuant to section 211.381, and in addition be county employees on that
26 portion of their salary provided by the county at a rate determined pursuant to
27 section 50.640, RSMo;

28 (b) Receive state-provided benefits, including retirement benefits from the
29 state retirement plan, on that portion of their salary paid by the state and may
30 participate as members in a county retirement plan on that portion of their salary
31 provided by the county except any juvenile officer whose service as a juvenile
32 court officer is being credited based on all salary received from any source in a
33 county retirement plan on June 30, 1999, shall not be eligible to receive
34 state-provided benefits, including retirement benefits, or any creditable prior
35 service as described in this section but shall continue to participate in such
36 county retirement plan;

37 (c) Receive creditable prior service in the state retirement plan for service
38 rendered as a juvenile court employee, to the extent they have not already
39 received credit for such service in a county retirement plan on salary paid to them
40 for such service, if such service was rendered in a judicial circuit that was not a
41 single county of the first classification;

42 (d) Receive creditable prior service pursuant to paragraph (c) of this

43 subdivision even though they already have received credit for such creditable
44 service in a county retirement plan if they elect to forfeit their creditable service
45 from such plan in which case such plan shall transfer to the state retirement plan
46 an amount equal to the actuarial accrued liability for the forfeited creditable
47 service, determined as if the person were going to continue to be an active
48 member of the county retirement plan, less the amount of any refunds of member
49 contributions;

50 (e) Receive creditable prior service for service rendered as a juvenile court
51 employee in a position that was financed in whole or in part by a public or private
52 grant prior to July 1, 1999, pursuant to the provisions of paragraph (e) of
53 subdivision (1) of subsection 3 of this section;

54 (2) Juvenile officers who begin employment for the first time as a juvenile
55 officer in a single county circuit on or after July 1, 1999, shall:

56 (a) Be county employees and receive salary from the county at a rate
57 determined pursuant to section 50.640, RSMo, subject to reimbursement by the
58 state as provided in section 211.381; and

59 (b) Participate as members in the applicable county retirement plan
60 subject to reimbursement by the state for the retirement contribution due on that
61 portion of salary reimbursed by the state;

62 (3) All other juvenile court employees who are employed in a single county
63 circuit on or after July 1, 1999:

64 (a) Shall be county employees and receive a salary from the county at a
65 rate determined pursuant to section 50.640, RSMo; and

66 (b) Shall, in accordance with their status as county employees, receive
67 other county-provided benefits including retirement benefits from the applicable
68 county retirement plan if such employees otherwise meet the eligibility
69 requirements for such benefits;

70 (4) (a) The state shall reimburse each county comprised of a single county
71 circuit for an amount equal to the greater of:

72 a. Twenty-five percent of such circuit's total juvenile court personnel
73 budget, excluding the salary for a juvenile officer, for calendar year 1997, and
74 excluding all costs of retirement, health and other fringe benefits; or

75 b. The sum of the salaries of one chief deputy juvenile officer and one
76 deputy juvenile officer class I, as provided in section 211.381;

77 (b) The state may reimburse a single county circuit up to fifty percent of
78 such circuit's total calendar year 1997 juvenile court personnel budget, subject to

79 appropriations. The state may reimburse, subject to appropriations, the following
80 percentages of such circuits' total juvenile court personnel budget, expended for
81 calendar year 1997, excluding the salary for a juvenile officer, and excluding all
82 costs of retirement, health and other fringe benefits: thirty percent beginning
83 July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until June
84 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive
85 any reimbursement from the state in an amount less than the greater of:

86 a. Twenty-five percent of the total juvenile court personnel budget of the
87 single county circuit expended for calendar year 1997, excluding fringe benefits;
88 or

89 b. The sum of the salaries of one chief deputy juvenile officer and one
90 deputy juvenile officer class I, as provided in section 211.381;

91 (5) Each single county circuit shall file a copy of its initial 1997 and each
92 succeeding year's budget with the office of administration after January first each
93 year and prior to reimbursement. The office of administration shall make
94 payment for the reimbursement from appropriations made for that purpose on or
95 before July fifteenth of each year following the calendar year in which the
96 expenses were made. The office of administration shall submit the information
97 from the budgets relating to full-time juvenile court personnel from each county
98 to the general assembly;

99 (6) Any single county circuit may apply to the office of the state courts
100 administrator to become subject to subsection 3 of this section, and such
101 application shall be approved subject to appropriation of funds for that purpose;

102 (7) The state auditor may audit any single county circuit to verify
103 compliance with the requirements of this section, including an audit of the 1997
104 budget.

105 3. Juvenile court employees in multicounty circuits shall be subject to the
106 following provisions:

107 (1) Juvenile court employees including detention personnel hired in 1998
108 in those multicounty circuits who began actual construction on detention facilities
109 in 1996, employed in a multicounty circuit on or after July 1, 1999, shall:

110 (a) Be state employees and receive all salary from the state, which shall
111 include any salary as provided in section 211.381 in addition to any salary
112 provided by the applicable county or counties during calendar year 1997 and any
113 general salary increase approved by the state of Missouri for fiscal year 1999 and
114 fiscal year 2000;

115 (b) Participate in the state retirement plan;

116 (c) Receive creditable prior service in the state retirement plan for service
117 rendered as a juvenile court employee, to the extent they have not already
118 received credit for such service in a county retirement plan on salary paid to them
119 for such service if such service was rendered in a judicial circuit that was not a
120 single county of the first classification, except that if they forfeited such credit in
121 such county retirement plan prior to being eligible to receive creditable prior
122 service under this paragraph, they may receive creditable service under this
123 paragraph;

124 (d) Receive creditable prior service pursuant to paragraph (c) of this
125 subdivision even though they already have received credit for such creditable
126 service in a county retirement plan if they elect within six months from the date
127 they become participants in the state retirement plan pursuant to this section to
128 forfeit their service from such plan in which case such plan shall transfer to the
129 state retirement plan an amount equal to the actuarial accrued liability for the
130 forfeited creditable service, determined as if the person was going to continue to
131 be an active member of the county retirement plan, less the amount of any
132 refunds of member contributions;

133 (e) Receive creditable prior service for service rendered as a juvenile court
134 employee in a position that was financed in whole or in part by a public or private
135 grant prior to July 1, 1999:

136 a. Pursuant to paragraph (c) of this subdivision, except that if they
137 already received credit for such creditable service in a county retirement plan,
138 they may not receive creditable prior service pursuant to paragraph (c) of this
139 subdivision unless they elect to forfeit their service from such plan, in which case
140 such plan shall transfer to the state retirement plan an amount equal to the
141 actuarial liability for the forfeited creditable service, determined as if the person
142 was going to continue to be an active member of the county retirement plan, less
143 the amount of any refunds of member contributions;

144 b. Pursuant to subparagraph a. of this paragraph, if they terminated
145 employment prior to August 28, 2004, and apply to the board of trustees of the
146 state retirement plan to be made and employed as a special consultant and be
147 available to give opinions regarding retirement;

148 c. Pursuant to subparagraph a. of this paragraph, if they retired prior to
149 August 28, 2004, and apply to the board of trustees of the state retirement plan
150 to be made and employed as a special consultant and be available to give opinions

151 regarding retirement, in which case they shall have their retirement benefits
152 adjusted so they receive retirement benefits equal to the amount they would have
153 received had their retirement benefit been initially calculated to include such
154 creditable prior service;

155 d. Pursuant to subparagraph a. of this paragraph, if they purchased
156 creditable prior service pursuant to section 104.344, RSMo, or section 105.691,
157 RSMo, based on service as a juvenile court employee in a position that was
158 financed in whole or in part by a public or private grant prior to July 1, 1999, in
159 which case they shall receive a refund based on the amount paid for such
160 purchased service;

161 (2) Juvenile court employee positions added after December 31, 1997,
162 shall be terminated and not subject to the provisions of subdivision (1) of this
163 subsection, unless the office of the state courts administrator requests and
164 receives an appropriation specifically for such positions;

165 (3) The salary of any juvenile court employee who becomes a state
166 employee, effective July 1, 1999, shall be limited to the salary provided by the
167 state of Missouri, which shall be set in accordance with guidelines established by
168 the state pursuant to a salary survey conducted by the office of the state courts
169 administrator, but such salary shall in no event be less than the amount specified
170 in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any
171 provision to the contrary in subsection 1 of section 211.394, such employees shall
172 not be entitled to additional compensation paid by a county as a public officer or
173 employee. Such employees shall be considered employees of the judicial branch
174 of state government for all purposes;

175 (4) All other employees of a multicounty circuit who are not juvenile court
176 employees as defined in subsection 1 of this section shall be county employees
177 subject to the county's own terms and conditions of employment.

178 4. The receipt of creditable prior service as described in paragraph (c) of
179 subdivision (1) of subsection 2 of this section and paragraph (c) of subdivision (1)
180 of subsection 3 of this section is contingent upon the office of the state courts
181 administrator providing the state retirement plan information, in a form subject
182 to verification and acceptable to the state retirement plan, indicating the dates
183 of service and amount of monthly salary paid to each juvenile court employee for
184 such creditable prior service.

185 5. [No juvenile court employee employed by any single or multicounty
186 circuit shall be eligible to participate in the county employees' retirement system

187 fund pursuant to sections 50.1000 to 50.1200, RSMo.

188 6.] Each county in every circuit in which a juvenile court employee
189 becomes a state employee shall maintain each year in the local juvenile court
190 budget an amount, defined as "maintenance of effort funding", not less than the
191 total amount budgeted for all employees of the juvenile court including any
192 juvenile officer, deputy juvenile officer, or other juvenile court employees in
193 calendar year 1997, minus the state reimbursements as described in this section
194 received for the calendar year 1997 personnel costs for the salaries of all such
195 juvenile court employees who become state employees. The juvenile court shall
196 provide a proposed budget to the county commission each year. The budget shall
197 contain a separate section specifying all funds to be expended in the juvenile
198 court. Such funding may be used for contractual costs for detention services,
199 guardians ad litem, transportation costs for those circuits without detention
200 facilities to transport children to and from detention and hearings, short-term
201 residential services, indebtedness for juvenile facilities, expanding existing
202 detention facilities or services, continuation of services funded by public grants
203 or subsidy, and enhancing the court's ability to provide prevention, probation,
204 counseling and treatment services. The county commission may review such
205 budget and may appeal the proposed budget to the judicial finance commission
206 pursuant to section 50.640, RSMo.

207 [7.] 6. Any person who is employed on or after July 1, 1999, in a position
208 covered by the state retirement plan or the transportation department and
209 highway patrol retirement system and who has rendered service as a juvenile
210 court employee in a judicial circuit that was not a single county of the first
211 classification shall be eligible to receive creditable prior service in such plan or
212 system as provided in subsections 2 and 3 of this section. For purposes of this
213 subsection, the provisions of paragraphs (c) and (d) of subdivision (1) of
214 subsection 2 of this section and paragraphs (c) and (d) of subdivision (1) of
215 subsection 3 of this section that apply to the state retirement plan shall also
216 apply to the transportation department and highway patrol retirement system.

217 [8.] 7. (1) Any juvenile officer who is employed as a state employee in a
218 multicounty circuit on or after July 1, 1999, shall not be eligible to participate in
219 the state retirement plan as provided by this section unless such juvenile officer
220 elects to:

221 (a) Receive retirement benefits from the state retirement plan based on
222 all years of service as a juvenile officer and a final average salary which shall

223 include salary paid by the county and the state; and

224 (b) Forfeit any county retirement benefits from any county retirement
225 plan based on service rendered as a juvenile officer.

226 (2) Upon making the election described in this subsection, the county
227 retirement plan shall transfer to the state retirement plan an amount equal to
228 the actuarial accrued liability for the forfeited creditable service determined as
229 if the person was going to continue to be an active member of the county
230 retirement plan, less the amount of any refunds of member contributions.

231 [9.] 8. The elections described in this section shall be made on forms
232 developed and made available by the state retirement plan.

✓

Bill

Copy